

MARKED-UP COPY OF AMENDED SPECIFICATION PARAGRAPHS:

Amend the paragraph beginning at page 1, line 4 and ending at page 1, line 8 as follows:

This application is a continuation-in-part of co-pending application Serial No. 08/863,513, abandoned, which is a continuation-in-part of co-pending application Serial No. 08/733,142, filed October 16, 1996, now U.S. Patent 6,245,805, which is a continuation-in-part of co-pending application Serial No. 08/608,776, filed February 29, 1996, now U.S. Patent 5,968,972, which claims the priority of provisional application Serial No. 60/007,071, filed October 26, 1995.

REMARKS

The specification has been amended to update the status of three of the priority patent applications. No new matter has been added. Thus, entry of the amendment is respectfully requested.

Pending claims 119-177 have been rejected for obviousness-type double patenting over commonly owned U.S. Patent 6,245,805. In addition, they have been provisionally rejected for obviousness-type double patenting over four separate commonly owned patent applications. Applicants respectfully traverse the rejection based upon U.S. Patent 6,245,805. The claims of the '805 patent are directed to methods and compositions for enhancing the oral bioavailability of taxanes such as paclitaxel by the oral co-administration of a cyclosporin. There is no teaching or suggestion based on the claims of the '805 patent that would have motivated one skilled in the art to prepare the compositions, dosage forms and medicaments that are the subject of the pending claims of the instant patent application. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 119-177 have also been provisionally rejected under obviousness-type double patenting over the claims of co-pending application nos. 09/829,846; 09/385,246; 09/594,317 and 10/072,398. The basis for the rejection over the '846 patent application is that although the conflicting claims are not identical, they are not patentably distinct from each other because the present products encompass those of the related application. The claims pending in the '846 application are broader than the claims in the '245 patent in that the oral bioavailability enhancing agent is not limited to cyclosporins. Nonetheless, Applicants respectfully submit that the claims of the '846 application, in and of themselves, would not have

rendered the instantly claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The basis for the remaining provisional rejections is that there might be overlapping subject matter. Application No. 09/385,246, has matured into U.S. Patent 6,395,770 (copy enclosed). Claim 1 of the '770 patent requires orally co-administering to a patient a derivative or analog of paclitaxel or docetaxel and an oral bioavailability enhancing agent comprising a cyclosporin. Claim 19 is directed to a method of preventing or reducing hypersensitivity and allergic reactions in human patients undergoing taxane therapy for a taxane responsive disease condition comprising orally co-administering to the patient a taxane with or without Cremophor, and a bioavailability enhancing agent, without prior administration of medication to prevent the hypersensitivity or allergic reactions, whereby the taxane achieves therapeutically effective blood levels. Neither of these claims, nor any of the other claims dependent upon claims 1 or 19 would have rendered obvious any of claims 119-177. Reconsideration and withdrawal of the rejection is respectfully requested.

United States Application No. 09/594,317 has gone abandoned. Therefore, the rejection based on this application is now moot.

Finally, the claims pending in Application No. 10/072,398 are directed to methods of treating human patients suffering from taxane-responsive diseases, as well as to reduce hypersensitivity and allergic reactions in human patients receiving taxane therapy, by the oral administration of taxanes. Once again, there is no obviousness issue. Although the respective sets of claims are related in the sense that the taxane compositions encompassed by the instant claims might be used in the practice of the methods of Applicants' other patents

and/or applications, that does not necessarily establish *prima facie* obviousness. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that the present amendments serve to overcome all outstanding issues, thereby placing claims 119-177 in condition for allowance. If, however, the Examiner has any concerns or questions whatsoever, he is cordially invited to contact the undersigned.

Dated: October 18, 2002

Respectfully submitted,

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